

REMARKS

Applicant appreciates the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 2-21 are pending in the application. Claim 1 has been cancelled without prejudice or disclaimer. Claim 2 has been rewritten in independent form including all limitations of base claim 1. Claims 3-5 have been amended to depend from claim 2. New claims 6-21 have been added to provide Applicant with the scope of protection to which they are believed entitled. No new matter has been introduced through the foregoing amendments.

The art rejections of all original claims as being anticipated by or obvious over *Lavon* (U.S. Patent No. 6,458,110) are noted. Basically, the Examiner is reading the *Lavon* tissue paper on the claimed liquid-pervious first sheet. Applicant respectfully submits that the Examiner is overbroadly applying the reference's teachings, and traverse, at least, the rejection of claim 2.

In particular, original claim 2 recites (i) an upper covering section of said first sheet continuously extending downward from said upper surface of said core along said cleaved zone and further extending outward in said transverse direction so as to define a penis pocket extending in said longitudinal direction below said cleaved zone, (ii) and a lower covering section of said first sheet extending downward along said cleaved zone of said core and further extending outward in said transverse direction so that said lower covering section cooperates with said upper covering section to define said penis pocket. In other words, claim 2 includes the feature that the upper covering section (supported by element 14 in FIG. 2) of the first sheet (supported by element 3 in FIG. 2) continuously extends downward from the upper surface of the core along the cleaved zone (supported by element 13 in FIG. 2) and further extends outward in the transverse direction, and the lower covering section (supported by element 15 in FIG. 2) of the first sheet extends downward along the cleaved zone of the core and further extends outward in the transverse direction, so that the lower and upper covering sections (supported by elements 14, 15 in FIG. 2) cooperate with each other to define a penis pocket (supported by element 16 in FIG. 2) extending in the longitudinal direction below the cleaved zone.

An advantage of the claimed feature has been disclosed in the specification, at page 13, lines 9-15, i.e., the discharged urine can permeate through the lower and upper sections of the liquid-permeable first sheet, which define the penis pocket below the cleaver zone, to reach the lower surface of the core, and then be absorbed and retained in the core.

In contrast, the z-direction void space 311 of *Lavon*, which is provided for use as a fecal waste storage, is formed by the expandable component 200. It is neither explicitly nor implicitly disclosed by *Lavon* that the expandable component sheet 200 has a liquid-permeability or a hydrophilicity. Therefore, the applied art does not have the above discussed feature and disclosed advantage of the claimed invention.

In addition, the Examiner's argument that the *Lavon* tissue paper is readable on the claimed upper and lower covering sections of the first sheet is inaccurate. It should be noted that claim 2 requires the penis pocket, defined cooperatively by the upper and lower covering sections of the first sheet, be positioned below the cleaved zone. As can be seen in, e.g., FIG. 4 of *Lavon*, the tissue paper must at the upper and lower surfaces of core 44 and, therefore, any "pocket" formed by the tissue paper must be coelevational with the cleaved zone 47. Pocket 311, as discussed above, is not formed by the tissue paper and is not readable on the claimed pocket.

Accordingly, Applicant respectfully submit that claim 2 is not anticipated by *Lavon*, and request that the art rejections of claim 2 as well as claims 3-5 now depending therefrom be withdrawn.

Claims 6-11 depend from claim 2, and are considered patentable at least for the reason advanced with respect to claim 2. The dependent claims are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

For example, as to claims 6-10, claim 6 specifically recites that the tissue paper is different from the liquid-pervious first sheet. The Examiner's argument found at page 3, lines 4-6 of the Office Action is no longer applicable.

As to claims 7-9, *Lavon* does not fairly teach or suggest that the liquid-pervious first sheet defines a bottom of said pocket, as recited in claim 7. The bottom of *Lavon* pocket 311 is defined by outer sheet 42, which must be impervious.

As to claim 8, *Lavon* does not fairly teach or suggest that all inner walls of the pocket are defined solely by the liquid-pervious first sheet. Note, element 200 in FIG. 4 of *Lavon*.

As to claim 9, *Lavon* does not fairly teach or suggest that the bottom of said pocket is in direct contact with but free of direct attachment to said liquid-impervious second sheet. In *Lavon*, the bottom of pocket 311 and the liquid-impervious second sheet is one and the same, i.e., 42, and must be directly attached to one another.

As to claim 10, *Lavon* does not fairly teach or suggest that, except said cleaved zone of said core, said upper covering section of said first sheet has an outer surface thereof covered with a liquid-impervious third sheet which is adapted to contact a wearer's skin in use. The Examiner's reliance on film 3c of *Wada* is noted. However, film 3c is not adapted to contact a wearer's skin in use as best seen from FIG. 9 of the reference; it is layer 3d that is contactable with the wearer's skin. Layer 3d of *Wada* is however liquid pervious. See *Wada* at column 7, line 57.

As to claim 11, *Lavon* does not fairly teach or suggest that said pocket has an inverted Ω shape.

New independent claim 12 is directed to a disposable diaper having, among other things, a liquid-pervious first sheet that comprises: a pair of first sections each extending inwardly in the transverse direction and covering the upper surface of said core in one of said halves, a pair of second sections each extending from one of the first sections downwardly in a thickness direction of said core and through said slit, and a third section located between the lower surface of said core and the second sheet and connecting said second sections; wherein said second sections define inner side walls of a pocket adapted to receive therein the wearer's penis whereas said third section defines an inner bottom wall of said pocket. *Lavon* fails to teach or suggest, at least, the second highlighted limitation of independent claim 12 for the reason advanced above with respect to claim 7. Thus, new independent claim 12 is patentable over the applied art of record.

Claims 13-21 depend from claim 12, and are considered patentable at least for the reason advanced with respect to claim 12. The dependent claims are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art, as will be apparent to the Examiner upon reviewing these claims.

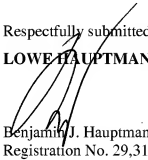
Each of the Examiner's rejections has been traversed. Accordingly, Applicant respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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